

1 ***b0234/P2.1* 1037.** Page 938, line 19: after that line insert:

2 ***b0234/P2.1* "SECTION 1980m.** 139.362 of the statutes is created to read:

3 **139.362 Bad debt deductions.** (1) In this section, "bad debt" means an
4 amount that is equal to the purchase price of cigarettes, if such amount may be
5 claimed as a deduction under section 166 of the Internal Revenue Code. "Bad debt"
6 does not include financing charges, interest on the wholesale price of cigarettes,
7 uncollectible amounts on property that remains in the seller's possession until the
8 full purchase price is paid, expenses incurred in attempting to collect any debt, debts
9 sold or assigned to 3rd parties for collection, and repossessed property.

10 (2) A person who pays the taxes imposed under this subchapter may claim as
11 a deduction on a return under s. 139.38, and against the purchase of stamps under
12 s. 139.32, the amount of any such taxes that are attributable to bad debt that the
13 person writes off as uncollectible in the person's books and records and that is eligible
14 to be deducted as bad debt for federal income tax purposes, regardless of whether the
15 person is required to file a federal income tax return. A person who claims a
16 deduction under this section shall claim the deduction on the return under s. 139.38
17 that is submitted for the period in which the person writes off the amount of the bad
18 debt as uncollectible in the person's books and records and in which such amount is
19 eligible to be deducted as bad debt for federal income tax purposes. If the person
20 subsequently collects in whole or in part any bad debt for which a deduction is
21 claimed under this section, the person shall submit to the department the portion of
22 the deduction related to the amount collected, in the manner prescribed by the
23 department and for the period in which the amount is collected.

1 (3) A person who claims a deduction under this section shall submit the claim
2 on a form prescribed by the department and shall submit with the form all of the
3 following:

4 (a) A copy of the original invoice for the sale of cigarettes that represents bad
5 debt.

6 (b) Evidence that the cigarettes described in the invoice under par. (a) were
7 delivered to the person who ordered them.

8 (c) Evidence that the person who ordered and received the cigarettes did not
9 pay the person who claims a deduction under this section for the cigarettes.

10 (d) Evidence that the person who claims a deduction under this section used
11 reasonable collection practices in attempting to collect the amount owed under par.
12 (c).

13 (4) Any person who possesses cigarettes for which the taxes imposed under this
14 subchapter have not been paid and have been claimed as a deduction under this
15 section shall file a report as prescribed by the department, pay the taxes imposed
16 under this subchapter on the cigarettes, and be subject to this subchapter in the same
17 manner as is provided for persons who hold valid permits under this subchapter.

18 ***b0234/P2.1* SECTION 1980n.** 139.363 of the statutes is created to read:

19 **139.363 Preferred claims.** If the property of any purchaser of cigarettes from
20 any permittee under this subchapter is seized upon any intermediate or final process
21 of any court in this state, or if the business of any purchaser of cigarettes from any
22 permittee under this subchapter is suspended by the action of creditors or put into
23 the hands of any assignee, receiver, or trustee, all amounts that are due from the
24 purchaser to any permittee for taxes imposed under this subchapter that the
25 permittee has paid to the state for cigarettes purchased from the permittee shall be

1 considered preferred claims, and shall be paid in full, and the permittee shall be a
2 preferred creditor.”.

3 *b0202/P3.12* **1038.** Page 938, line 20: delete the material beginning with
4 that line and ending with page 939, line 14.

5 *b0202/P3.13* **1039.** Page 941, line 1: delete lines 1 to 10.

6 *b0202/P3.14* **1040.** Page 941, line 21: delete the material beginning with
7 that line and ending with page 943, line 4.

8 *b0202/P3.15* **1041.** Page 943, line 8: after “134.66” insert “. The attorney
9 general may take any action necessary to enforce s. 139.345”.

10 *b0202/P3.16* **1042.** Page 943, line 8: after that line insert:

11 *b0202/P3.16* “**SECTION 1992c.** 139.46 of the statutes is created to read:

12 **139.46 Lists.** The department shall compile and maintain a list of direct
13 marketers who have complied with the requirements of s. 139.345 and a list of direct
14 marketers who the department knows have not complied with such requirements.
15 The department shall provide copies of the lists described under this section to the
16 attorney general and to each person who delivers cigarettes to consumers in this
17 state that are sold by direct marketing under s. 139.345.”.

18 *b0202/P3.17* **1043.** Page 943, line 9: delete the material beginning with
19 that line and ending with page 944, line 19.

20 *b0202/P3.18* **1044.** Page 945, line 3: delete the material beginning with
21 that line and ending with page 948, line 8.

22 *b0234/P2.2* **1045.** Page 948, line 8: after that line insert:

23 *b0234/P2.2* “**SECTION 2009m.** 139.801 of the statutes is created to read:

1 **139.801 Bad debt deductions.** (1) In this section, “bad debt” means an
2 amount that is equal to the purchase price of tobacco products, if such amount may
3 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad
4 debt” does not include financing charges, interest on the wholesale price of tobacco
5 products, uncollectible amounts on property that remains in the seller’s possession
6 until the full purchase price is paid, expenses incurred in attempting to collect any
7 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

8 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a
9 deduction on a return under s. 139.77 the amount of any such taxes that are
10 attributable to bad debt that the distributor writes off as uncollectible in the
11 distributor’s books and records and that is eligible to be deducted as bad debt for
12 federal income tax purposes, regardless of whether the distributor is required to file
13 a federal income tax return. A distributor who claims a deduction under this section
14 shall claim the deduction on the return under s. 139.77 that is submitted for the
15 period in which the distributor writes off the amount of the deduction as uncollectible
16 in the distributor’s books and records and in which such amount is eligible to be
17 deducted as bad debt for federal income tax purposes. If the distributor subsequently
18 collects in whole or in part any bad debt for which a deduction is claimed under this
19 section, the distributor shall include the amount collected in the return filed for the
20 period in which the amount is collected and shall pay the tax with the return.

21 (3) A distributor who claims a deduction under this section shall submit with
22 the return under sub. (2) all of the following:

23 (a) A copy of the original invoice for the sale of tobacco products that represents
24 bad debt.

1 (b) Evidence that the tobacco products described in the invoice under par. (a)
2 were delivered to the person who ordered them.

3 (c) Evidence that the person who ordered and received the cigarettes did not
4 pay the distributor for the tobacco products.

5 (d) Evidence that the distributor used reasonable collection practices in
6 attempting to collect the amount owed under par. (c).

7 (4) Any person who possesses tobacco products for which the taxes imposed
8 under this subchapter have not been paid and have been claimed as a deduction
9 under this section shall file a report as prescribed by the department, pay the taxes
10 imposed under this subchapter on the tobacco products, and be subject to this
11 subchapter in the same manner as is provided for persons who hold valid permits
12 under this subchapter.

13 ***b0234/P2.2* SECTION 2009n.** 139.802 of the statutes is created to read:

14 **139.802 Preferred claims.** If the property of any purchaser of tobacco
15 products from any permittee under this subchapter is seized upon any intermediate
16 or final process of any court in this state, or if the business of any purchaser of tobacco
17 products from any permittee under this subchapter is suspended by the action of
18 creditors or put into the hands of any assignee, receiver, or trustee, all amounts that
19 are due from the purchaser to any permittee taxes imposed under this subchapter
20 that the permittee has paid to the state for tobacco products purchased from the
21 permittee shall be considered preferred claims, and shall be paid in full, and the
22 permittee shall be a preferred creditor.”.

23 ***b0276/1.5* 1046.** Page 948, line 9: delete lines 9 to 17 and substitute:

24 ***b0276/1.5* “SECTION 2012c.** 139.91 (1) of the statutes is amended to read:

1 139.91 (1) The Except as provided in sub. (4), the department may not reveal
2 facts obtained in administering this subchapter, except that the department may
3 publish statistics that do not reveal the identities of dealers.

4 ***b0276/1.5* SECTION 2013c.** 139.91 (4) of the statutes is created to read:

5 139.91 (4) The secretary of revenue and employees of that department may
6 reveal facts obtained in administering this subchapter for the purposes of preparing
7 and maintaining the list of persons with unpaid tax obligations as described in s.
8 73.03 (62) so that the list of such persons is available for public inspection.”.

9 ***b0308/1.1* 1047.** Page 951, line 2: after that line insert:

10 ***b0308/1.1* “SECTION 2026r.** 146.50 (9) of the statutes is amended to read:

11 146.50 (9) TRAINING. The department may arrange for or approve courses of or
12 instructional programs in or outside this state to meet the education and training
13 requirements of this section, including training required for license or certificate
14 renewal. ~~Courses required for a license or renewal of a license as an emergency~~
15 ~~medical technician – basic shall be free of charge to an individual who is employed~~
16 ~~by or affiliated with a public agency, volunteer fire company or nonprofit corporation~~
17 ~~and is the holder of a license or training permit as an emergency medical technician –~~
18 ~~basic or eligible to hold such a license or training permit.~~ If the department
19 determines that an area or community need exists, the courses shall be offered at
20 technical colleges in the area or community. Initial priority shall be given to the
21 training of emergency medical technicians – basic serving the rural areas of the
22 state. If an emergency medical technician – basic completes a course approved by
23 the department on treatment of anaphylactic shock, the emergency medical

1 technician – basic acts within the scope of the license if he or she performs injections
2 or other treatment for anaphylactic shock under the direction of a physician.”.

3 ***b0373/2.25* 1048.** Page 951, line 3: delete lines 3 to 11.

4 ***b0373/2.26* 1049.** Page 951, line 14: delete “(eh) (rb)” and substitute “(ch)”.

5 ***b0308/1.2* 1050.** Page 951, line 17: after “providers” insert “that are public
6 agencies, volunteer fire departments, or nonprofit corporations”.

7 ***b0373/2.27* 1051.** Page 952, line 8: delete lines 8 to 10.

8 ***b0329/2.1* 1052.** Page 952, line 10: after that line insert:

9 ***b0329/2.1* “SECTION 2031m.** 146.65 (1) (c) of the statutes is created to read:
10 146.65 (1) (c) In each fiscal year, not more than \$400,000, to a rural health clinic
11 in Chippewa Falls to provide dental services to persons who are developmentally
12 disabled or elderly or who have low income, in the area surrounding Chippewa Falls,
13 including the counties of Chippewa, Dunn, Barron, Taylor, Clark, and Eau Claire.”.

14 ***b0301/1.8* 1053.** Page 953, line 1: delete the material beginning with that
15 line and ending with page 963, line 25, and substitute:

16 ***b0301/1.8* “SECTION 2032m.** Chapter 149 (title) of the statutes is amended
17 to read:

18 CHAPTER 149

19 MANDATORY HEALTH INSURANCE

20 RISK-SHARING PLAN

21 ***b0301/1.8* SECTION 2033m.** 149.10 (2) of the statutes is amended to read:
22 149.10 (2) “Board” means the board of ~~governors established~~ directors under
23 s. ~~149.15~~ 149.11 (1).

1 ***b0301/1.8* SECTION 2033r.** 149.10 (2j) (a) 3. of the statutes is amended to
2 read:

3 149.10 (2j) (a) 3. Part A ~~or~~, part B, or part D of title XVIII of the federal Social
4 Security Act.

5 ***b0301/1.8* SECTION 2034c.** 149.10 (2m) of the statutes is repealed.

6 ***b0301/1.8* SECTION 2034m.** 149.10 (2t) (c) of the statutes is amended to read:

7 149.10 (2t) (c) The individual does not have creditable coverage and is not
8 eligible for coverage under a group health plan, part A ~~or~~, part B, or part D of title
9 XVIII of the federal Social Security Act or a state plan under title XIX of the federal
10 Social Security Act or any successor program.

11 ***b0301/1.8* SECTION 2035c.** 149.10 (3) of the statutes is amended to read:

12 149.10 (3) “Eligible person” means a resident ~~of this state~~ who qualifies under
13 s. 149.12 whether or not the person is legally responsible for the payment of medical
14 expenses incurred on the person’s behalf.

15 ***b0301/1.8* SECTION 2035m.** 149.10 (3e) of the statutes is amended to read:

16 149.10 (3e) “Fund” means the ~~health insurance risk-sharing plan~~ Health
17 Insurance Risk-Sharing Plan fund under s. 149.11 (2).

18 ***b0301/1.8* SECTION 2036c.** 149.10 (7) of the statutes is amended to read:

19 149.10 (7) “Medicare” means coverage under ~~both~~ part A ~~and~~, part B, and part
20 D of Title XVIII of the federal social security act, 42 USC 1395 et seq., as amended.

21 ***b0301/1.8* SECTION 2036m.** 149.10 (9) of the statutes is amended to read:

22 149.10 (9) “Resident” means a person who has been legally domiciled in this
23 state for a period of at least ~~30 days~~ 6 months or, with respect to an eligible individual,
24 an individual who resides in this state. For purposes of this chapter, legal domicile
25 is established by living in this state and obtaining a Wisconsin motor vehicle

1 operator's license, registering to vote in Wisconsin or filing a Wisconsin income tax
2 return. A child is legally domiciled in this state if the child lives in this state and if
3 at least one of the child's parents or the child's guardian is legally domiciled in this
4 state. A person with a developmental disability or another disability which prevents
5 the person from obtaining a Wisconsin motor vehicle operator's license, registering
6 to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in
7 this state by living in this state.

8 ***b0301/1.8* SECTION 2037c.** 149.10 (10) of the statutes is repealed.

9 ***b0301/1.8* SECTION 2037m.** 149.11 of the statutes is repealed and recreated
10 to read:

11 **149.11 Administration of plan.** (1) APPOINTMENT OF BOARD OF DIRECTORS;
12 FORMATION OF ADMINISTERING ORGANIZATION. (a) No later than September 1, 2005, the
13 commissioner shall nominate 13 individuals to be appointed with the advice and
14 consent of the senate to serve as the initial directors of the board of the organization
15 to be formed under par. (b). The board shall consist of 4 representatives of
16 participating insurers; 4 representatives of health care providers, including one
17 representative of the Wisconsin Medical Society, one representative of the Wisconsin
18 Hospital Association, Inc., one representative of the Pharmacy Society of Wisconsin,
19 and one representative of health care providers that provide services to persons with
20 coverage under the plan; and 5 other members, at least one of whom represents small
21 businesses that purchase private health insurance and at least one of whom is a
22 person with coverage under the plan. In making the nominations to the board, the
23 commissioner shall first consult with one or more trade or professional associations
24 whose members include participating insurers, one or more trade or professional
25 associations whose members include health care providers that provide services to

1 persons with coverage under the plan, and one or more trade or professional
2 associations whose members include small business owners.

3 (b) The individuals appointed as initial directors under par. (a) shall form a
4 private, nonprofit organization under ch. 181 and shall take all actions necessary to
5 exempt the organization from federal taxation under section 501 (a) of the Internal
6 Revenue Code. The articles of incorporation shall include all of the following:

7 1. The names and addresses of the 13 individuals as the initial directors.

8 2. That the purpose of the organization is to administer the plan.

9 3. That the directors, including the initial directors, shall serve staggered
10 3-year terms.

11 4. That the directors shall satisfy the criteria specified in par. (a) and shall be
12 nominated by the commissioner, after consultation as specified in par. (a), and
13 appointed with the advice and consent of the senate.

14 (c) As a condition for the release of funds under s. 20.145 (5) (g), the
15 organization, through the board, shall administer the plan in conformity with this
16 chapter and perform any other duties required of the organization or board under
17 this chapter.

18 (2) FUND. (a) The board shall pay the operating and administrative expenses
19 of the plan from the fund, which shall be outside the state treasury and which shall
20 consist of all of the following:

21 3. The earnings resulting from investments under par. (b).

22 4. Any other moneys received by the organization or board from time to time.

23 (b) The board controls the assets of the fund and shall select regulated financial
24 institutions in this state that receive deposits in which to establish and maintain

1 accounts for assets needed on a current basis. If practicable, the accounts shall earn
2 interest.

3 (c) Moneys in the fund may be expended only for the purposes specified in par.
4 (a).

5 (3) IMMUNITY. No cause of action of any nature may arise against and no
6 liability may be imposed upon the organization, plan, or board; or any agent,
7 employee, or director of any of them; or contributor insurers; or the commissioner;
8 or any of the commissioner's agents, employees, or representatives, for any act or
9 omission by any of them in the performance of their powers and duties under this
10 chapter.

11 *b0301/1.8* SECTION 2038c. 149.115 of the statutes is amended to read:

12 149.115 Rules relating to creditable coverage. The commissioner, in
13 consultation with the department, shall promulgate rules that specify how
14 creditable coverage is to be aggregated for purposes of s. 149.10 (2t) (a) and that
15 determine the creditable coverage to which s. 149.10 (2t) (b) and (d) applies. The
16 rules shall comply with section 2701 (c) of P.L. 104–191.

17 *b0301/1.8* SECTION 2038m. 149.12 (1) (intro.) of the statutes is amended to
18 read:

19 149.12 (1) (intro.) Except as provided in subs. (1m) and (2), and (3), the board
20 or plan administrator shall certify as eligible a person who is covered by medicare
21 Medicare because he or she is disabled under 42 USC 423, a person who submits
22 evidence that he or she has tested positive for the presence of HIV, antigen or
23 nonantigenic products of HIV, or an antibody to HIV, a person who is an eligible
24 individual, and any person who receives and submits any of the following based

1 wholly or partially on medical underwriting considerations within 9 months prior to
2 making application for coverage by the plan:

3 ***b0301/1.8* SECTION 2039c.** 149.12 (1) (a) of the statutes is amended to read:

4 149.12 (1) (a) A notice of rejection of coverage from ~~one~~ 2 or more insurers.

5 ***b0301/1.8* SECTION 2039m.** 149.12 (1m) of the statutes is amended to read:

6 149.12 (1m) The board ~~or plan administrator~~ may not certify a person as
7 eligible under circumstances requiring notice under sub. (1) (a) to (d) if the required
8 notices were issued by an insurance intermediary who is not acting as an
9 administrator, as defined in s. 633.01.

10 ***b0301/1.8* SECTION 2040c.** 149.12 (2) (g) of the statutes is created to read:

11 149.12 (2) (g) A person is not eligible for coverage under the plan if the person
12 is eligible for any of the following:

13 1. Services under s. 46.27 (11), 46.275, 46.277, or 46.278.

14 2. Medical assistance provided as part of a family care benefit, as defined in s.
15 46.2805 (4).

16 3. Services provided under a waiver requested under 2001 Wisconsin Act 16,
17 section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

18 4. Services provided under the program of all-inclusive care for persons aged
19 55 or older authorized under 42 USC 1396u-4.

20 5. Services provided under the demonstration program under a federal waiver
21 authorized under 42 USC 1315.

22 6. Health care coverage under the Badger Care health care program under s.
23 49.665.

24 ***b0301/1.8* SECTION 2040m.** 149.12 (3) (a) of the statutes is amended to read:

1 149.12 (3) (a) Except as provided in pars. (b) ~~to (e)~~ and (bm), no person is eligible
2 for coverage under the plan for whom a premium, deductible, or coinsurance amount
3 is paid or reimbursed by a federal, state, county, or municipal government or agency
4 as of the first day of any term for which a premium amount is paid or reimbursed and
5 as of the day after the last day of any term during which a deductible or coinsurance
6 amount is paid or reimbursed.

7 ***b0301/1.8* SECTION 2041c.** 149.12 (3) (c) of the statutes is repealed.

8 ***b0301/1.8* SECTION 2041m.** 149.12 (4) and (5) of the statutes are created to
9 read:

10 149.12 (4) Subject to subs. (1m), (2), and (3), the board may establish criteria
11 that would enable additional persons to be eligible for coverage under the plan. The
12 board shall ensure that any expansion of eligibility is consistent with the purpose of
13 the plan to provide health care coverage for those who are unable to obtain health
14 insurance in the private market and does not endanger the solvency of the plan.

15 (5) The board shall establish policies for determining and verifying the
16 continued eligibility of an eligible person.

17 ***b0301/1.8* SECTION 2042c.** 149.13 (1) of the statutes is amended to read:

18 149.13 (1) Every insurer shall participate in the cost of administering the plan,
19 except the commissioner may by rule exempt as a class those insurers whose share
20 as determined under sub. (2) would be so minimal as to not exceed the estimated cost
21 of levying the assessment. The commissioner shall advise the ~~department~~ board of
22 the insurers participating in the cost of administering the plan.

23 ***b0301/1.8* SECTION 2042m.** 149.13 (3) (a) of the statutes is amended to read:

24 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
25 determined annually by the commissioner based on annual statements and other

1 reports filed by the insurer with the commissioner. The commissioner shall assess
2 an insurer for the insurer's proportion of participation based on the total
3 assessments estimated by the department under s. 149.143 (2) (a) 3. board.

4 ***b0301/1.8* SECTION 2043c.** 149.13 (3) (b) of the statutes is amended to read:

5 149.13 (3) (b) If the ~~department~~ board or the commissioner finds that the
6 commissioner's authority to require insurers to report under chs. 600 to 646 and 655
7 is not adequate to permit ~~the department~~, the commissioner or the board to carry out
8 the ~~department's~~, commissioner's or board's responsibilities under this chapter, the
9 commissioner shall promulgate rules requiring insurers to report the information
10 necessary for the ~~department~~, commissioner and board to make the determinations
11 required under this chapter.

12 ***b0301/1.8* SECTION 2043m.** 149.13 (4) of the statutes is amended to read:

13 149.13 (4) Notwithstanding subs. (1) to (3), the ~~department~~ board, with the
14 agreement of the commissioner, may perform various administrative functions
15 related to the assessment of insurers participating in the cost of administering the
16 plan.

17 ***b0301/1.8* SECTION 2044c.** 149.14 (1) (a) of the statutes is amended to read:

18 149.14 (1) (a) The plan shall offer coverage for each eligible person in an
19 annually renewable policy ~~the coverage specified in this section for each eligible~~
20 ~~person~~. If an eligible person is also eligible for ~~medicare~~ Medicare coverage, the plan
21 shall not pay or reimburse any person for expenses paid for by ~~medicare~~ Medicare.

22 ***b0301/1.8* SECTION 2044m.** 149.14 (2) (a) of the statutes is amended to read:

23 149.14 (2) (a) The plan shall provide every eligible person who is not eligible
24 for ~~medicare~~ Medicare with major medical expense coverage. Major medical expense
25 coverage offered under the plan under this section shall pay an eligible person's

1 covered expenses, subject to ~~sub. (3)~~ and deductible, copayment, and coinsurance
2 payments ~~authorized under sub. (5)~~, up to a lifetime limit of \$1,000,000 per covered
3 individual. ~~The maximum limit under this paragraph shall not be altered by the~~
4 ~~board, and no actuarially equivalent benefit may be substituted by the board.~~

5 ***b0301/1.8* SECTION 2045c.** 149.14 (3) (intro.) of the statutes is renumbered
6 149.14 (3) and amended to read:

7 149.14 (3) COVERED EXPENSES. ~~Except as provided in sub. (4), except as~~
8 ~~restricted by cost containment provisions under s. 149.17 (4) and except as reduced~~
9 ~~by the department under ss. 149.143 and 149.144, covered~~ Covered expenses for the
10 coverage under ~~this section~~ the plan shall be the payment rates established by the
11 ~~department under s. 149.142~~ board for the services provided by persons licensed
12 under ch. 446 and certified under s. 49.45 (2) (a) 11. ~~Except as provided in sub. (4),~~
13 ~~except as restricted by cost containment provisions under s. 149.17 (4) and except as~~
14 ~~reduced by the department under ss. 149.143 and 149.144, covered~~ Covered expenses
15 for the coverage under ~~this section~~ the plan shall also be the payment rates
16 established by the department under s. 149.142 board for the following services and
17 articles if the service or article is prescribed by a physician who is licensed under ch.
18 448 or in another state and who is certified under s. 49.45 (2) (a) 11. and if the service
19 or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

20 ***b0301/1.8* SECTION 2045m.** 149.14 (3) (a) to (r) of the statutes are repealed.

21 ***b0301/1.8* SECTION 2046c.** 149.14 (4) of the statutes is repealed and
22 recreated to read:

23 149.14 (4) BENEFIT DESIGN. Except as provided in subs. (2) (a) and (6), the board
24 shall determine the benefit design of the plan, including the covered expenses,
25 expenses excluded from coverage, deductibles, copayments, coinsurance,

1 out-of-pocket limits, and coverage limitations. The board may establish more than
2 one benefit design under the plan. All benefit designs shall be comparable to typical
3 individual health insurance policies offered in the private sector market in this state.

4 ***b0301/1.8* SECTION 2046m.** 149.14 (4c) of the statutes is repealed.

5 ***b0301/1.8* SECTION 2047c.** 149.14 (4m) of the statutes is renumbered
6 149.142 (2m) and amended to read:

7 149.142 (2m) PAYMENT IS PAYMENT IN FULL. Except for copayments, coinsurance,
8 or deductibles required or authorized under the plan, a provider of a covered service
9 or article shall accept as payment in full for the covered service or article the payment
10 rate determined under ss. ~~149.142, 149.143 and 149.144 sub. (1)~~ and may not bill an
11 eligible person who receives the service or article for any amount by which the charge
12 for the service or article is reduced under s. ~~149.142, 149.143 or 149.144 sub. (1)~~.

13 ***b0301/1.8* SECTION 2047m.** 149.14 (5) of the statutes is repealed.

14 ***b0301/1.8* SECTION 2048c.** 149.14 (5m) of the statutes is repealed.

15 ***b0301/1.8* SECTION 2048m.** 149.14 (6) (a) of the statutes is repealed.

16 ***b0301/1.8* SECTION 2049c.** 149.14 (6) (b) of the statutes is renumbered
17 149.14 (6).

18 ***b0301/1.8* SECTION 2049m.** 149.14 (7) (b) of the statutes is amended to read:
19 149.14 (7) (b) The ~~department~~ organization has a cause of action against an
20 eligible participant for the recovery of the amount of benefits paid which are not for
21 covered expenses under the plan. Benefits under the plan may be reduced or refused
22 as a setoff against any amount recoverable under this paragraph.

23 ***b0301/1.8* SECTION 2050c.** 149.14 (7) (c) of the statutes is amended to read:

24 149.14 (7) (c) The ~~department~~ organization is subrogated to the rights of an
25 eligible person to recover special damages for illness or injury to the person caused

1 by the act of a 3rd person to the extent that benefits are provided under the plan.
2 Section 814.03 (3) applies to the department organization under this paragraph.

3 *b0301/1.8* SECTION 2050m. 149.14 (8) of the statutes is repealed and
4 recreated to read:

5 149.14 (8) SUBSIDIES. The board shall provide for subsidies for premiums,
6 deductibles, and copayments for eligible persons with household incomes below a
7 level established by the board.

8 *b0301/1.8* SECTION 2051c. 149.141 of the statutes is created to read:

9 149.141 Premiums. The board shall set premiums for coverage under the
10 plan at a level that is sufficient to cover 60 percent of plan costs, as provided in s.
11 149.143 (1).

12 *b0301/1.8* SECTION 2051m. 149.142 (1) (a) of the statutes is renumbered
13 149.142 (1) and amended to read:

14 149.142 (1) ESTABLISHMENT OF RATES. ~~Except as provided in par. (b), the~~
15 ~~department~~ The board shall establish provider payment rates for covered expenses
16 that consist of the allowable charges paid under s. 49.46 (2) for the services and
17 articles provided plus an enhancement determined by the ~~department~~ board. The
18 rates shall be based on the allowable charges paid under s. 49.46 (2), projected plan
19 costs, and trend factors. Using the same methodology that applies to medical
20 assistance under subch. IV of ch. 49, the ~~department~~ board shall establish hospital
21 outpatient per visit reimbursement rates and hospital inpatient reimbursement
22 rates that are specific to diagnostically related groups of eligible persons. The
23 adjustments to the usual and customary rates shall be sufficient to cover 20 percent
24 of plan costs, as provided in s. 149.143 (3).

25 *b0301/1.8* SECTION 2052c. 149.142 (1) (b) of the statutes is repealed.

1 ***b0301/1.8* SECTION 2052m.** 149.142 (2) of the statutes is repealed.

2 ***b0301/1.8* SECTION 2053c.** 149.143 of the statutes is repealed and recreated
3 to read:

4 **149.143 Payment of plan costs.** The board shall pay plan costs, including
5 any premium, deductible, and copayment subsidies, as follows:

6 (1) Sixty percent from premiums paid by eligible persons.

7 (2) Twenty percent from insurer assessments under s. 149.13.

8 (3) Twenty percent from adjustments to provider payment rates under s.
9 149.142.

10 ***b0301/1.8* SECTION 2053m.** 149.144 of the statutes is repealed.

11 ***b0301/1.8* SECTION 2054c.** 149.145 of the statutes is repealed.

12 ***b0301/1.8* SECTION 2054m.** 149.146 (1) (a) and (b) of the statutes are
13 consolidated, renumbered 149.14 (2) (c) and amended to read:

14 149.14 (2) (c) ~~Beginning on January 1, 1998, in~~ In addition to the coverage
15 required under s. 149.14 pars. (a) and (b), the plan shall offer to all eligible persons
16 who are not eligible for medicare Medicare a choice of coverage, as described in
17 section 2744 (a) (1) (C), P.L. 104–191. Any such choice of coverage shall be major
18 medical expense coverage. ~~(b) An eligible person under par. (a) who is not eligible~~
19 ~~for Medicare may elect once each year, at the time and according to procedures~~
20 ~~established by the department board, among the coverages offered under this section~~
21 ~~and s. 149.14. If an eligible person elects new coverage, any preexisting condition~~
22 ~~exclusion imposed under the new coverage is met to the extent that the eligible~~
23 ~~person has been previously and continuously covered under this chapter. No~~
24 ~~preexisting condition exclusion may be imposed on an eligible person who elects new~~
25 ~~coverage if the person was an eligible individual when first covered under this~~

chapter and the person remained continuously covered under this chapter up to the time of electing the new coverage paragraph and par. (a).

***b0301/1.8* SECTION 2055c.** 149.146 (2) of the statutes is repealed.

***b0301/1.8* SECTION 2055m.** 149.15 of the statutes is repealed.

***b0301/1.8* SECTION 2056c.** 149.155 of the statutes is created to read:

149.155 Additional duties of board. The board shall do all of the following:

(1) Adopt policies for the administration of this chapter, including delegation of any part of its powers and its own procedures.

(5) Seek to qualify the plan as a state pharmacy assistance program, as defined in 42 CFR 423.464.

(6) Annually submit a report to the legislature under s. 13.172 (2) and to the governor on the operation of the plan.

***b0301/1.8* SECTION 2056m.** 149.16 (title) of the statutes is repealed.

***b0301/1.8* SECTION 2057c.** 149.16 (1m) of the statutes is repealed.

***b0301/1.8* SECTION 2057m.** 149.16 (3) (a) of the statutes is renumbered 149.155 (2) and amended to read:

149.155 (2) ~~The plan administrator shall perform~~ Perform all eligibility and administrative claims payment functions relating to the plan.

***b0301/1.8* SECTION 2058c.** 149.16 (3) (b) of the statutes is renumbered 149.155 (3) and amended to read:

149.155 (3) ~~The plan administrator shall establish~~ Establish a premium billing procedure for collection of premiums from insured persons. Billings shall be made on a periodic basis as determined by the department board.

***b0301/1.8* SECTION 2058m.** 149.16 (3) (c) of the statutes is renumbered 149.155 (4), and 149.155 (4) (intro.), as renumbered, is amended to read:

1 149.155 (4) (intro.) ~~The plan administrator shall perform~~ Perform all necessary
2 functions to assure timely payment of benefits to covered persons under the plan,
3 including:

4 ***b0301/1.8* SECTION 2059c.** 149.16 (3) (e) of the statutes is repealed.

5 ***b0301/1.8* SECTION 2059m.** 149.16 (4) of the statutes is repealed.

6 ***b0301/1.8* SECTION 2060c.** 149.16 (5) of the statutes is repealed.

7 ***b0301/1.8* SECTION 2060m.** 149.165 of the statutes is repealed.

8 ***b0301/1.8* SECTION 2061c.** 149.17 (1) of the statutes is amended to read:

9 149.17 (1) Subject to ~~ss. 149.14 (5m), s. 149.143 and 149.146 (2) (b),~~ a rating
10 plan calculated in accordance with generally accepted actuarial principles.

11 ***b0301/1.8* SECTION 2061m.** 149.17 (2) of the statutes is repealed.

12 ***b0301/1.8* SECTION 2062c.** 149.17 (4) of the statutes is repealed.

13 ***b0301/1.8* SECTION 2062m.** 149.175 of the statutes is repealed.

14 ***b0301/1.8* SECTION 2063c.** 149.20 of the statutes is repealed.”.

15 ***b0413/3.50* 1054.** Page 964, line 2: delete lines 2 to 4.

16 ***b0413/3.51* 1055.** Page 964, line 11: after that line insert:

17 ***b0413/3.51* “SECTION 2067g.** 153.05 (14) of the statutes is created to read:

18 153.05 (14) With respect to health care information required to be collected
19 under this section from health care providers that are not hospitals or ambulatory
20 surgery centers, the department shall do all of the following:

21 (a) Develop procedures to ensure that data are submitted consistently and
22 accurately, including clarifying the place-of-service codes and types of ancillary
23 services that are required to be reported.

1 (b) Work directly with individual physician practice groups to identify and
2 correct data submission errors.

3 (c) Develop and publish standard reports under s. 153.45 (1) (a) that are
4 understandable by individuals other than medical professionals.

5 (d) Make program data available in a timely fashion.

6 (e) Enter into a memorandum of understanding with the department of
7 regulation and licensing to improve the timeliness of updating physician information
8 and to improve the assessment process under s. 153.60 (1).".

9 *b0413/3.52* **1056.** Page 964, line 12: delete the material beginning with
10 that line and ending with page 966, line 6.

11 *b0413/3.53* **1057.** Page 967, line 25: delete the material beginning with
12 that line and ending with page 969, line 7.

13 *b0120/3.5* **1058.** Page 969, line 7: after that line insert:

14 *b0120/3.5* "SECTION 2081na. 157.061 (2g) of the statutes is created to read:

15 157.061 (2g) "Cemetery board" means the board created in s. 15.405 (3m).

16 *b0120/3.5* SECTION 2081nb. 157.08 (2) (b) of the statutes is amended to read:

17 157.08 (2) (b) Before a cemetery authority sells or encumbers any cemetery
18 land, except for a sale described in par. (a), the cemetery authority shall notify the
19 department cemetery board in writing of the proposed sale or encumbrance. If
20 within 60 days after the department cemetery board is notified of the proposed sale
21 or encumbrance the department cemetery board notifies the cemetery authority in
22 writing that the department cemetery board objects to the sale or encumbrance the
23 cemetery authority may not sell or encumber the cemetery land unless the
24 department cemetery board subsequently notifies the cemetery authority in writing

1 that the objection is withdrawn. The ~~department~~ cemetery board may object to a sale
2 or encumbrance only if it determines that the cemetery authority will not be
3 financially solvent or that the rights and interests of owners of cemetery lots and
4 mausoleum spaces will not be adequately protected if the sale or encumbrance
5 occurs. The ~~department~~ cemetery board may, before the expiration of the 60-day
6 period, notify the cemetery authority in writing that the ~~department~~ cemetery board
7 approves of the sale or encumbrance. Upon receipt of the department's cemetery
8 board's written approval, the cemetery authority may sell or encumber the cemetery
9 land and is released of any liability under this paragraph. The ~~department~~ cemetery
10 board shall make every effort to make determinations under this paragraph in an
11 expeditious manner.

12 ***b0120/3.5* SECTION 2081nc.** 157.08 (5) of the statutes is amended to read:

13 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
14 organized under ch. 187, and sub. (2) (b) does not apply to a cemetery authority that
15 is not required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized
16 or conducted for pecuniary profit.

17 ***b0120/3.5* SECTION 2081nd.** 157.11 (11) of the statutes is amended to read:

18 157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does
19 not apply to a cemetery authority that is not required to be ~~registered~~ licensed under
20 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

21 ***b0120/3.5* SECTION 2081ne.** 157.128 (3) (b) of the statutes is amended to
22 read:

23 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
24 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under
25 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

1 ***b0120/3.5* SECTION 2081ng.** 157.19 (5) (a) of the statutes is amended to read:

2 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that
3 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds
4 of a cemetery for which a certification under s. 157.63 is effective, to preneed trust
5 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care
6 funds or preneed trust funds of a cemetery authority that is not required to be
7 ~~registered~~ licensed under s. 440.91 (1) and that is not organized or conducted for
8 pecuniary profit.

9 ***b0120/3.5* SECTION 2081ni.** 157.625 (3) of the statutes is amended to read:

10 157.625 (3) Section 157.62 does not apply to a cemetery authority that is not
11 required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized or
12 conducted for pecuniary profit.

13 ***b0120/3.5* SECTION 2081s.** 157.65 (2) of the statutes is amended to read:

14 157.65 (2) The department of justice or any district attorney, upon informing
15 the department of justice, may commence an action in circuit court in the name of
16 the state to restrain by temporary or permanent injunction any violation of this
17 subchapter. The court may, prior to entry of final judgment, make such orders or
18 judgments as may be necessary to restore to any person any pecuniary loss suffered
19 because of the acts or practices involved in the action, if proof of such loss is submitted
20 to the satisfaction of the court. The department of justice may subpoena persons and
21 require the production of books and other documents, and may request the
22 ~~department of regulation and licensing board described in s. 15.405 (3m)~~ or the
23 department of commerce to exercise its authority under sub. (1) to aid in the
24 investigation of alleged violations of this subchapter.”.

1 ***b0130/1.8* 1059.** Page 969, line 8: delete lines 8 to 16.

2 ***b0032/1.1* 1060.** Page 969, line 17: delete lines 17 to 23.

3 ***b0130/1.9* 1061.** Page 969, line 24: delete the material beginning with that
4 line and ending with page 970, line 15.

5 ***b0134/2.10* 1062.** Page 970, line 20: after that line insert:

6 ***b0134/2.10* "SECTION 2086s.** 165.89 (title) and (4) of the statutes are created
7 to read:

8 **165.89 (title) Grants to certain counties for law enforcement programs.**

9 **(4)** Notwithstanding subs. (1) and (2) and any criteria and procedures
10 developed under sub. (3), the department shall allocate \$300,000 to Forest County
11 each fiscal year from the appropriation account under s. 20.455 (2) (kq) to fund law
12 enforcement services.”.

13 ***b0134/2.11* 1063.** Page 970, line 21: delete the material beginning with
14 that line and ending with page 972, line 18, and substitute:

15 ***b0134/2.11* "SECTION 2088m.** 165.91 (title) of the statutes is created to read:

16 **165.91 (title) Grants to tribes for law enforcement programs.”.**

17 ***b0373/2.28* 1064.** Page 972, line 19: delete lines 19 to 24.

18 ***b0373/2.29* 1065.** Page 973, line 1: delete lines 1 to 25.

19 ***b0373/2.30* 1066.** Page 974, line 1: delete lines 1 to 16.

20 ***b0044/P1.1* 1067.** Page 975, line 6: after that line insert:

21 ***b0044/P1.1* "SECTION 2094m.** 180.0122 (1) (u) of the statutes is amended to
22 read:

1 180.0122 (1) (u) Application for certificate of authority, \$100, and \$2 \$3 for
2 every \$1,000 or fraction thereof of the foreign corporation's capital exceeding \$60,000
3 employed or to be employed in this state, computed as provided in s. 180.1503, as
4 shown by the application.”.

5 ***b0331/2.3* 1068.** Page 975, line 6: after that line insert:

6 ***b0331/2.3* “SECTION 2094f.** 168.12 (1) of the statutes is amended to read:

7 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
8 petroleum inspection fee at the rate of 3 2 cents per gallon on all petroleum products
9 that are received by a supplier for sale in this state or for sale for export to this state.
10 The department of revenue shall determine when a petroleum product is received
11 under this subsection in the same manner that it determines under s. 78.07 when
12 motor vehicle fuel is received. The fee shall be paid under s. 168.125 and shall be
13 based on the number of gallons reported under s. 168.125.”.

14 ***b0370/3.7* 1069.** Page 976, line 9: after that line insert:

15 ***b0370/3.7* “SECTION 2097m.** 196.20 (7) (c) of the statutes is renumbered
16 196.20 (7) (c) 1. and amended to read:

17 196.20 (7) (c) 1. The Except as provided in subd. 2., the commission shall only
18 approve a mitigation payment agreement that is received by the commission before
19 June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not
20 subsequently modify the agreement.

21 ***b0370/3.7* SECTION 2097n.** 196.20 (7) (c) 2. of the statutes is created to read:

22 196.20 (7) (c) 2. If the commission receives a mitigation payment agreement
23 before June 10, 2003, and does not determine that the agreement is unreasonable
24 before November 11, 2003, mitigation payments in accordance with the terms of the

1 agreement shall be recoverable in rates, notwithstanding any subsequent
2 limitations imposed by the commission on the mitigation payments.”.

3 *b0419/2.1* **1070.** Page 976, line 9: after that line insert:

4 *b0419/2.1* “SECTION 2097q. 196.218 (3) (e) of the statutes is amended to read:

5 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
6 telecommunications provider or other person may not establish a surcharge on
7 customers’ bills to collect from customers contributions required under this
8 subsection.

9 *b0419/2.1* SECTION 2097r. 196.218 (3) (f) of the statutes is amended to read:

10 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
11 and (6), 196.213 and 196.215, a telecommunications utility that provides local
12 exchange service may make adjustments to local exchange service rates for the
13 purpose of recovering the portion of its contributions to the universal service fund
14 that is determined by the commission under par. (a) 4. A telecommunications utility
15 that adjusts local exchange service rates for the purpose of recovering all or any
16 amount of that portion shall identify on customer bills a single amount that is the
17 total amount of the adjustment. The public service commission shall provide
18 telecommunications utilities the information necessary to identify such amounts on
19 customer bills.”.

20 *b0079/1.3* **1071.** Page 976, line 24: delete the material beginning with that
21 line and ending with page 977, line 4.

22 *b0370/3.8* **1072.** Page 977, line 7: after that line insert:

23 *b0370/3.8* “SECTION 2098m. 196.491 (3) (gm) of the statutes is amended to
24 read:

1 196.491 (3) (gm) The commission may not approve an application filed after
2 October 29, 1999, under this subsection for a certificate of public convenience and
3 necessity for a high-voltage transmission line that is designed for operation at a
4 nominal voltage of 345 kilovolts or more unless the approval includes the condition
5 that the applicant shall pay the fees specified in sub. (3g) (a). If the commission has
6 approved an application under this subsection for a certificate of public convenience
7 and necessity for a high-voltage transmission line that is designed for operation at
8 a nominal voltage of 345 kilovolts or more that was filed after April 1, 1999, and
9 before October 29, 1999, the commission shall require the applicant to pay the fees
10 specified in sub. (3g) (a). For any application subject to this paragraph, the
11 commission shall determine the cost net book value of the high-voltage transmission
12 line, identify the counties, towns, villages and cities through which the high-voltage
13 transmission line is routed and allocate the amount of investment associated with
14 the high-voltage transmission line to each such county, town, village and city.”.

15 ***b0047/1.1* 1073.** Page 977, line 11: delete the material beginning with
16 “submit” and ending with “department” on line 12 and substitute “process”.

17 ***b0199/P2.25* 1074.** Page 977, line 14: delete lines 14 to 20.

18 ***b0036/1.10* 1075.** Page 977, line 21: delete the material beginning with
19 that line and ending with page 978, line 3.

20 ***b0301/1.9* 1076.** Page 978, line 4: delete lines 4 to 6.

21 ***b0172/3.28* 1077.** Page 978, line 7: delete lines 7 to 11.

22 ***b0315/P1.8* 1078.** Page 978, line 12: delete lines 12 and 13.

23 ***b0039/1.1* 1079.** Page 978, line 15: after that line insert:

1 ***b0039/1.1* "SECTION 2107d.** 230.08 (2) (e) 8. of the statutes is amended to
2 read:

3 230.08 (2) (e) 8. Natural resources — 7 6.”.

4 ***b0315/P1.9* 1080.** Page 978, line 16: delete lines 16 to 25.

5 ***b0315/P1.10* 1081.** Page 979, line 1: delete lines 1 to 4.

6 ***b0128/2.17* 1082.** Page 979, line 7: after that line insert:

7 ***b0128/2.17* "SECTION 2109j.** 230.08 (2) (yr) of the statutes is repealed.”.

8 ***b0028/1.2* 1083.** Page 979, line 8: delete lines 8 to 14.

9 ***b0030/1.1* 1084.** Page 979, line 22: delete the material beginning with that
10 line and ending with page 980, line 12.

11 ***b0173/1.36* 1085.** Page 980, line 13: delete lines 13 to 16.

12 ***b0413/3.54* 1086.** Page 980, line 17: delete the material beginning with
13 that line and ending with page 981, line 3.

14 ***b0256/P2.5* 1087.** Page 981, line 4: delete lines 4 to 8.

15 ***b0147/2.19* 1088.** Page 981, line 8: after that line insert:

16 ***b0147/2.19* "SECTION 2118r.** 236.13 (1) (c) (intro.) of the statutes is amended
17 to read:

18 236.13 (1) (c) (intro.) ~~A comprehensive plan under s. 66.1001 or, if the~~
19 ~~municipality, town, or county does not have a comprehensive plan, either~~ Either of
20 the following:”.

21 ***b0241/P2.2* 1089.** Page 981, line 8: after that line insert:

22 ***b0241/P2.2* "SECTION 2118k.** 234.165 (2) (c) (intro.) of the statutes is
23 amended to read:

1 234.165 (2) (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be
2 expended or encumbered only in accordance with the plan approved under par. (b),
3 except that the authority may transfer from one plan category to another:

4 ***b0241/P2.2* SECTION 2118L.** 234.165 (2) (c) (intro.) of the statutes, as
5 affected by 2005 Wisconsin Act (this act), is amended to read:

6 234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
7 expended or encumbered only in accordance with the plan approved under par. (b),
8 except that the authority may transfer from one plan category to another:

9 ***b0241/P2.2* SECTION 2118m.** 234.165 (3) of the statutes is created to read:

10 234.165 (3) For the purpose of housing grants and loans under s. 560.9803 and
11 housing grants under s. 560.9805, in fiscal year 2005-06 the authority shall transfer
12 to the department of commerce \$3,000,000 of its actual surplus under this section
13 and in fiscal year 2006-07 the authority shall transfer to the department of
14 commerce \$2,000,000 of its actual surplus under this section.

15 ***b0241/P2.2* SECTION 2118n.** 234.165 (3) of the statutes, as created by 2005
16 Wisconsin Act (this act), is repealed.”.

17 ***b0055/2.1* 1090.** Page 981, line 23: delete lines 23 and 24 and substitute
18 “440.12 or 440.13, the department, ~~upon application on forms prescribed by it and~~
19 ~~payment of the prescribed fee,~~ shall register as a sanitarian any person who satisfies
20 the conditions in sub. (6) and who has”.

21 ***b0055/2.2* 1091.** Page 982, line 1: after “that” insert “sanitarian
22 registration”.

23 ***b0055/2.3* 1092.** Page 982, line 3: delete lines 3 to 15 and substitute:

24 ***b0055/2.3* “SECTION 2126m.** 250.05 (6) of the statutes is repealed.”.